

EXHIBIT D

Subject: Re: Richtone Design Group, L.L.C. v. Kelly, No. 22-cv-1606

From: Gordon Troy <gtroy@webtm.com>

Date: 11/29/2022, 6:44 AM

To: Melissa Danzo <Melissa_Danzo@nysd.uscourts.gov>, "chk@knullpc.com" <chk@knullpc.com>, "romeosalta@mac.com" <romeosalta@mac.com>

CC: "Gordon E. R. Troy, PC-Office" <office@webtm.com>

Dear Ms. Danzo -

Defendants object to any redactions of the filed document for a number of reasons, including but not limited to (1) the tiny (and virtually unusable) size of the thumbnails, (2) the fact that two of the images are available for free as high-resolution downloads from library websites, (3) the fact that many other images are available in much larger format all across the internet, as evidence will show, (4) the fact that if someone wanted to make use of some of the images, they would merely have to purchase or obtain a copy of Plaintiff's publications to have full-size copies, and (5) the fact that Plaintiff never acquired the vast majority of these images in an alleged asset purchase, and could not have acquired their copyrights. As Plaintiff admitted in its Responses to Requests for Admission, (Dkt. No. 36-1, p. 31). "Since such images are probably subject to copyright (not necessarily that of Plaintiff), these Responses are marked as Confidential to prevent random distribution." [Emphasis added.]

Respectfully submitted,

Gordon Troy

Gordon E. R. Troy | Attorney At Law | Gordon E. R. Troy, PC | *FedEx-UPS-DHL*: **183 Highfield Drive, West Windsor VT 05089** | *Postal*: **PO Box 67, Windsor, VT 05089** | *Direct*: **802 881-0647** | *Main*: **802 881-0640** | *Mobile/WhatsApp*: **802 488-0097** | e: gtroy@webtm.com | *Skype*: **gordontroy** | This communication may contain information which is confidential, legally privileged and/or protected by attorney-client privilege or under the attorney work product doctrine. Only the intended recipient of this email is authorized to read its contents.

For all trademark matters, please copy tm@webtm.com

From: Melissa Danzo <Melissa_Danzo@nysd.uscourts.gov>

Date: Monday, November 28, 2022 at 3:45 PM

To: chk@knullpc.com <chk@knullpc.com>, gtroy@webtm.com <gtroy@webtm.com>, romeosalta@mac.com <romeosalta@mac.com>

Subject: Richtone Design Group, L.L.C. v. Kelly, No. 22-cv-1606

Counsel:

I am a law clerk to Magistrate Judge Krause and write regarding the above-referenced matter. The Court is in receipt of Plaintiff's letter filed at ECF No. 40 in which Plaintiff requested that a document filed by Defendants be removed from the docket due to confidentiality concerns.

In the first instance, the Court would like to confirm whether Defendants have any objection to the document being filed in redacted form on the public docket. If not, then the parties should confer about appropriate redactions. If you cannot agree, then Plaintiff will need to make a more substantial application for sealing by letter motion. In either instance, the parties should consult Judge Krause's [Individual Rules](#) for guidance on how to proceed with filing documents under seal.

Mr. Troy, please reply to this email with your position on whether the document can be filed in redacted form. If you have any questions, please feel free to reach out to Chambers at the phone number listed below.

Best,

Melissa Danzo

Law Clerk to the Honorable Andrew E. Krause

United States District Court

Southern District of New York

(914) 390-4070